Office of the Commissioner of Official Languages

2009–2010

Departmental Performance Report

The Honourable Josée Verner
President of the Queen's Privy Council for Canada

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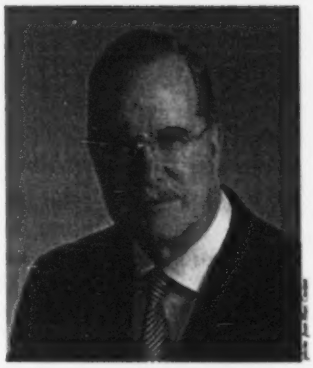
Message from the Commissioner of Official Languages



As Commissioner of Official Languages, I have the honour and privilege to report to Parliament on the state of Canada's two official languages, including the extent to which federal institutions honour their obligations under the *Official Languages Act*.

It is my duty to take all actions and measures within my authority to ensure recognition of the status of each of the official languages and to see to it that federal institutions comply with the spirit and intent of the Act in the administration of their affairs, including their activities relating to the advancement of English and French in Canadian society. The actions and measures I take range from investigating complaints to intervening before the courts; from conducting audits of federal institutions to appearing before parliamentary committees; from giving interviews to speaking to conference delegates, students, public servants and parliamentarians.

Agents of Parliament have a duty to be transparent about how we spend the funds granted to us and as clear as possible about how we try to fulfill our mandates. All of us are, in a way, the guardians of Canadian values, values that transcend partisan debate and the policy positions of the government of the day. Linguistic duality is one such value—a value integral to our identity as a country.

In two Speeches from the Throne and its introduction of the Roadmap for Canada's Linguistic Duality, the Government of Canada has reaffirmed its commitment to linguistic duality as a Canadian value and compliance with the spirit and intent of the Act. The Prime Minister has been exemplary in his public use of both official languages. At the same time, however, the Government has taken steps that have eroded its ability to meet these commitments. There were disturbing signs this year that the Government is not interested in safeguarding its hard-won expertise in official languages. The restructuring of the Centre of Excellence for Official Languages has significantly reduced the ability of the Treasury Board Secretariat to live up to its responsibilities. Naturally, this makes my job harder.

Establishing clear priorities is vital to achieving strategic goals. I trust this performance report demonstrates our determination to continue the work needed to achieve the ideals set out in the *Official Languages Act*.

Graham Fraser

Section I: Overview

Summary Information

Raison d'être

The mandate of the Commissioner of Official Languages is to promote the *Official Languages Act*, oversee its full implementation, protect the language rights of Canadians, and promote linguistic duality and bilingualism in Canada.

Responsibilities

The duties of the Commissioner of Official Languages are set out in section 56 of the *Official Languages Act*:

> It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society.

The Commissioner therefore has a responsibility to take all measures within his power to ensure that the three main objectives of the *Official Languages Act* are met:

- ensure the equality of English and French in Parliament, the Government of Canada, the federal administration and the institutions subject to the Act;
- support the preservation and development of official language communities in Canada; and
- advance the equality of English and French in Canadian society.

The Commissioner of Official Languages is appointed by commission under the Great Seal for a seven-year term, after approval by resolution of the House of Commons and the Senate. The Commissioner reports directly to Parliament.

In this context, the Office of the Commissioner has a distinct mandate under the *Official Languages Act*. Each federal institution is responsible for implementing the Act within its area of jurisdiction. The following federal entities also have special responsibilities with respect to official languages:

- Treasury Board Secretariat;
- Department of Canadian Heritage;
- Department of Justice;
- Public Service Commission of Canada;
- Canada School of Public Service; and
- House of Commons and Senate Standing Committees on Official Languages.

Strategic Outcome and Program Activity Architecture

In light of its mandate, the Office of the Commissioner has articulated a single strategic outcome, which it pursues via three program activities (two operational and one management):

Strategic Outcome	Canadians' rights under the *Official Languages Act* are protected and respected by federal institutions and other organizations subject to the Act; and linguistic duality is promoted in Canadian society.	
Program Activity	1. Protection Through Compliance Assurance	2. Promotion Through Policy and Communications
	3. Internal Services	

Alignment of Program Activity Architecture to Government of Canada Outcomes

The Commissioner of Official Languages is an officer of Parliament who reports directly to Parliament and is thereby independent from government. The strategic outcome and the expected results from his office are detailed in Section II of this Performance Report.

Summary of Performance

The following table displays the financial and human resources managed by the Office of the Commissioner in 2009–2010.

Financial and Human Resources

2009–2010 Financial Resources ($000)		
Planned Spending	**Total Authorities**	**Actual Spending**
19,935	22,284	21,286

2009–2010 Human Resources (full-time eqivalents)		
Planned	**Actual**	**Difference**
177.5	170.7	6.8

In 2009–2010, the total authorities allocated to the Office of the Commissioner by Parliament were $22.3 million—$19.9 million through Main Estimates (planned spending) and $2.4 million through Supplementary Estimates for collective agreement settlements, severance payments and parental leave payments. The Office of the Commissioner's actual spending in 2009–2010 was $21.3 million, $1.0 million less than total authorities.

Planned full-time equivalents (FTEs) reflects the Office of the Commissioner's allocation of total authorities for human resources, details of which are presented in Section II of this report. Actual FTEs represents 96% of planned FTEs, compared with 87% in 2008–2009. Actual FTEs increased by 15.4 from 155.3 to 170.7, with indeterminate employees accounting for 88% of this increase. The staffing shortfall of 6.8 FTEs is related to ongoing challenges in recruiting personnel.

Program Activity	2008–2009 ($000) Actual Spending	2009–2010* ($000)			
		Main Estimates	Planned Spending	Total Authorities	Actual Spending
1. Protection Through Compliance Assurance	9,537	6,617	6,617	7,284	6,466
2. Promotion Through Policy and Communications	11,630	7,159	7,159	7,612	7,260
3. Internal Services	Allocated between the two approved program activities	6,159	6,159	7,388	7,560
Total	21,167	19,935	19,935	22,284	21,286

* Commencing in the 2009–2010 Estimates cycle, the resources for the Internal Services program activity is displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This affects the comparability of spending and FTE information by program activity between fiscal years.

Total authorities and actual spending amounts for 2009–2010 shown above are those disclosed in the 2009–2010 Public Accounts of Canada. Actual spending by program activity may be more or less than total authorities allocated by the Office of the Commissioner, as long as overall actual spending does not exceed total authorities. Additional information by program activity is provided in Section II of this report, and for the Office of the Commissioner in general in Section III of this report, under Financial Highlights.

Contribution of Priorities to the Strategic Outcome

The Office of the Commissioner has a single strategic outcome: Canadians' rights under the *Official Languages Act* are protected and respected by federal institutions and other organizations subject to the Act; and linguistic duality is promoted in Canadian society. The following table describes how each corporate priority contributes to the strategic outcome in terms of the planned performance outlined in the Report on Plans and Priorities.

Operational Priorities	Type	Performance Summary
1. Implement proactive approaches and strategies to address systemic compliance issues in order to encourage a change of culture within federal institutions	Previously committed to	Analysis of complaints and inquiries received by the Office of the Commissioner illustrates that federal institutions are experiencing certain kinds of problems related to the *Official Languages Act* that are systemic, leading to recurring complaints of the same nature. Focusing on proactive approaches and strategies, and taking a systemic view of compliance will make for a more efficient use of the public purse to advance protection and respect for the official language rights of Canadians. For example, the Office of the Commissioner produced more than 30 institutional portraits of federal institutions that it will use internally to identify possible strategic interventions to resolve systemic issues. The Commissioner also communicates regularly with the deputy heads via a semi-annual report to highlight both the difficulties and successes in the area of official languages.

Operational Priorities	Type	Performance Summary
		To renew the Commissioner's role as Canada's language ombudsman, the Office of the Commissioner looked for permanent and more efficient resolution of complaints, as well as ways to prevent systemic problems. Some initiatives aimed for a non-adversarial approach, including a facilitated resolution process and a restructuring of the organization that assigned analysts, working in teams, to specific federal institutions to foster more efficient working relationships. **Conduct and complete official languages audits that specifically address systemic compliance issues and seek to obtain commitments from institutions to resolve these issues.** This year the Office of the Commissioner used its audit process to obtain greater engagement from federal institutions in *Official Languages Act* compliance issues. Audits focused on such systemic issues as individual training (Department of National Defence) and front-line service personnel understanding their linguistic obligations (Halifax Airport). **Use the official languages report card exercise to encourage key federal departments to address systemic compliance issues.** A review of the Office of the Commissioner's report card exercise in 2009–2010 identified refinements that improved its effectiveness as an assessment tool. It remains a results-oriented exercise and this year, 16 federal institutions were assessed. They were selected based on the number of complaints overall, the number of complaints with regard to Part V, the size of the institution and its previous report card performance. For example, the Office of the Commissioner reassessed the Correctional Service of Canada and assessed Natural Resources Canada for the first time, in an attempt to assess more institutions subject to the *Official Languages Act*. **Negotiate and sign memoranda of understanding (MOUs) with certain federal institutions.** The Office of the Commissioner's efforts in other areas obviated the need to develop the planned MOUs with institutions.
2. Promote the knowledge of and respect for Canada's two official languages as an important element of leadership within federal institutions	Previously committed to	Strong leadership within federal institutions is a key element in moving these institutions toward a culture of respect for the language rights of Canadians and compliance with the *Official Languages Act*. In 2009–2010, the Office of the Commissioner took several steps to enhance leadership in federal institutions. **Monitor the inclusion of official languages components in the Public Service Renewal Initiative.** The Office of the Commissioner observed the implementation of Canada's Public Service Renewal Initiative, focusing particularly on actions taken by deputy heads in making the work environment more conducive to the use of both English and French (as recommended in the Commissioner's 2007–2008 annual report). **Continue to work proactively with regional federal councils.** The regional federal councils are an essential channel for championing official languages in the public service across the country. Some highlights of the Office of the Commissioner's work with them this year included showcasing public service careers in Quebec to English university students, a meaningful discussion with the Nova Scotia EX community on official languages leadership and securing continued commitment to official languages from the Alberta and Pacific federal councils.

Operational Priorities	Type	Performance Summary
		Examine, through research, the essential competencies required for effective leadership in a bilingual public service. For this research, the Office of the Commissioner undertook 3 case studies, organized 10 discussion groups and consulted about 20 official languages experts to validate the findings. The study is expected to be published in the fall of 2010. **Develop a strategy to influence the government in taking measures to address the shortage of bilingual judges in superior courts and federal tribunals.** Another important area where the Office of the Commissioner continued its efforts was addressing issues related to the lack of access to justice in both official languages resulting from the shortage of bilingual judges in superior courts and federal tribunals. The Commissioner appeared before the House of Commons Standing Committee on Official Languages to speak about Bill C-232, a proposed amendment to the *Supreme Court Act* that would require judges to hear cases in either English or French without the aid of an interpreter. This appearance contributed both to the parliamentary debate and to public discussion among Canadians.
3. Act as a bridge builder between official language minority communities and federal institutions so that policies, programs and activities support community development	Previously committed to	Given that the organization's single strategic outcome includes promotion of linguistic duality in Canada, and given the potential of government policies, programs and activities to advance minority language community development, the Office of the Commissioner has made it a priority to create linkages between federal institutions and the official language minority communities that rely on them for enlightened public policy and supportive programming. **Monitor the implementation of the Roadmap for Canada's Linguistic Duality 2008–2013 and the establishment of the new Language Rights Support Program.** The Office of the Commissioner's bridge building also involved monitoring—regionally and nationally—the implementation of the government's Roadmap for Canada's Linguistic Duality 2008–2013, including its newly established Language Rights Support Program. This program provides an essential mechanism for the development of official language communities, facilitating their access to the courts as a means of safeguarding their constitutional rights. **Drawing on the 40th anniversary of the *Official Languages Act*, make federal institutions and Canadians in general aware of the role they can play in promoting linguistic duality.** The 40th anniversary of the *Official Languages Act* was the linchpin for much of the Office of the Commissioner's bridge-building work this year. From organizing a national conference on the Act's history and future, to a travelling cartoon exhibit on language issues that reached more than 100,000 people in 65 communities across Canada, the Commissioner and his Office fostered dialogue on linguistic duality in Canada. **Through a participative approach, work with three French-speaking communities in Western Canada to identify indicators and outcomes in key sectors of vitality.** The Office of the Commissioner continued its participative research project with French-speaking communities in Western Canada, including Saskatchewan, Alberta and British Columbia. In February, it published a study that illustrated how French-speaking communities in rural Saskatchewan became more cohesive and

Operational Priorities	Type	Performance Summary
		entrepreneurial when their agricultural products were recognized and labelled as coming from a single *terroir*.[1] The increased vitality generated by this kind of enterprise was found to support greater cohesion between Saskatchewan's French- and English-speaking communities. The other studies on vitality indicators were prepared for publication in April 2010. **Support enhanced vitality of communities through various initiatives, including discussions with airport authorities subject to the *Official Languages Act* with a view to improving services in both official languages.** The Office of the Commissioner targeted three key airport authorities in 2009–2010, seeking to improve services in both official languages at the airports and to increase the vitality of official language communities in Halifax, Toronto and Vancouver.
4. Encourage federal institutions to integrate linguistic duality into the development and implementation of their policies, programs and activities within a diverse Canadian society	Previously committed to	As Canada's demographic landscape changes, promoting linguistic duality requires active steps on the part of government to safeguard official bilingualism. **Monitor the inclusion of official languages in the preparatory work surrounding the Vancouver 2010 Olympic Games to ensure it is a truly bilingual event.** The Office of the Commissioner monitored the inclusion of official languages in the preparatory work surrounding the 2010 Olympic and Paralympic Winter Games to ensure that it would be a truly bilingual event. An awareness campaign was conducted in early 2009 with 20 federal institutions to bring official languages to the forefront in their preparations for the Vancouver Games. **Continue building awareness within federal institutions of their obligations to provide services during the Vancouver 2010 Games.** After the Office of the Commissioner met with the officials of the institutions in Ottawa and Vancouver to assess the success of awareness-raising efforts, follow-up interviews were conducted with 11 key institutions involved in the provision of services during the Games. The follow-up to *Raising Our Game for Vancouver 2010* was published in September and assessed the preparedness for the Games of the Vancouver Organizing Committee (VANOC), Canadian Heritage and various federal institutions to meet official languages requirements and the increased demand for bilingual services. The report made specific recommendations for final preparations for the Games. A rapid response system was established to respond to complaints filed during the Games. The Office of the Commissioner's staff conducted spot checks of services available from select federal institutions, including at various Olympic sites. The Office also devoted a section of its Web site to the Olympic and Paralympic Games. After the Olympics, the Office of the Commissioner began to follow up on the recommendation to institutions to report on their accomplishments and lessons learned during the Games. **Continue to deepen its understanding of the relationship between cultural diversity and linguistic duality through action research.** The Office of the Commissioner published a report on the forum it organized in

[1] A terroir is a determined geographical area, defined by a human community, which generates and accumulates along its history a set of distinctive cultural traits, knowledge and practices based on a system of interactions between the natural environment and human factors. (See UNESCO, *A Project for the Terroirs around the World.* Information materials for the UNESCO 34th General Conference, October 16–November 3, 2007.)

Operational Priorities	Type	Performance Summary
		Vancouver last year, where Canadians from diverse backgrounds were invited to share their perspectives on linguistic duality. The next forum originally planned for Montréal during the year was rescheduled to 2012, but an additional forum was planned for Halifax in 2011. **Conduct a study on second-language learning opportunities at all Canadian universities.** Another important step in the promotion of linguistic duality was the study by the Office of the Commissioner on second-language learning opportunities at Canadian universities. The study recommended that universities play a greater role in the continuum of second-language learning. By bolstering efforts to help university students maintain and enhance their existing second-language abilities, the federal government will not only find it easier to recruit the 5,000 bilingual employees needed annually to replace the wave of public service retirees, but it will also contribute to greater social cohesion through a shared bilingual identity and better understanding among Canadians. A Web map was also developed to identify the second-language learning opportunities currently offered in Canadian universities.

Management Priorities	Type	Performance Summary
5. Foster the growth and renewal of OCOL's personnel and strengthen the application of sound management principles and practices	Previously committed to	As a small organization working in a complex environment and with a mandate to exert influence over a wide range of stakeholders, the Office of the Commissioner needs to rely on state-of-the-art human resources management, sophisticated information management tools and sound financial management practices, despite its modest budget. Continue implementing the three-year Strategic Human Resources Management Plan. In its continued implementation of the plan, the Office of the Commissioner made progress in such areas as succession planning, competency-based selection and training tools, and enhanced professional development for complaints analysts. The organization saw a significant drop in employee turnover, from 22% in 2008–2009 to 11% for the reporting period. Initiate the implementation of phase one of the five-year Information Management / Information Technology (IM/IT) Strategic Plan. Although the Office of the Commissioner had planned to begin implementing Phase 1 of its five-year IM/IT Strategic Plan, a lack of adequate funding made for a slow start this year. The IT infrastructure underwent some upgrades, but the organization is unlikely to benefit fully from them unless it also simultaneously invests in improvements to its IM systems. Much work has already gone into the development of a Treasury Board submission seeking the required funding, but the process takes time. Nevertheless, the Office of the Commissioner continues to ready itself to hit the ground running should the requested funding materialize. Continue to enhance the management accountability framework and management practices of the Office of the Commissioner of Official Languages. The Office of the Commissioner made some progress on its performance measurement framework, collecting baseline data to inform the development of service standards in several of its operations. It also continued integrating risk management into its strategic and operational planning processes, and developed and implemented a risk management template that is now an integral part of each branch's operational plan.

Risk Analysis

Several factors, outlined below, influence the Office of the Commissioner's performance and are discussed briefly in the following paragraphs to provide context for this report.

First, the Office of the Commissioner has continued to observe ongoing systemic obstacles to full compliance with the *Official Languages Act*. As stated in the 2009–2010 annual report, "There are still countless indications that federal institutions continue to see linguistic duality as a burden rather than a value; an afterthought rather than a reflex; a legal requirement to be handled and managed rather than an instinctive behaviour and source of organizational identity and pride." In 2009, the Canada Public Service Agency was abolished and the various official languages responsibilities were transferred to the newly created Office of the Chief Human Resources Officer (OCHRO). It is now this organization that establishes the terms federal institutions must follow in providing their services in both official languages, maintaining a work environment that is conducive to the use of English and French, and ensuring full participation of both language groups in the public service. To perform its role as leader in the development and monitoring of official languages policies, OCHRO relies on one of its components, the Centre of Excellence for Official Languages. However, this year has seen a marked decrease in resources within this Centre. As a result, the Treasury Board Secretariat no longer provides individual institutions with interpretation of the *Official Languages Act* or policies that relate to official languages issues that are institution-specific. The changes have strained the Office of the Commissioner's limited pool of resources as it continues to implement its renewed ombudsman role, develop collaborative relationships with institutions, and promote the knowledge of, and respect for, Canada's two official languages as an important element of leadership within federal institutions. As a proactive move, the Office of the Commissioner has focused more specifically on systemic compliance issues and working more closely with select institutions to obtain commitments on sustainable solutions.

Canada currently faces challenges on the economic, political and social fronts, and this may give rise to a perception that the *Official Languages Act* is less important or less relevant in this day and age. The Office of the Commissioner continues to vigorously exercise its monitoring role, acting pre-emptively by intervening at the stage where laws, regulations and policies are developed to ensure that language rights remain a primary concern of leaders. Encouragingly, the 2010 Speech from the Throne reiterated the Government's commitment to the Roadmap for Canada's Linguistic Duality 2008–2013 and reaffirmed Canada's two official languages as a key Canadian value.

Second, as an officer of Parliament, the Commissioner must maintain his independence from the government to provide unbiased advice and information to Parliament and organizations subject to the *Official Languages Act*. Officers of Parliament are appointed by the Governor in Council, with the approval of Parliament. These officers are charged with specific statutory mandates—often involving oversight or auditing roles vis-à-vis the actions of the executive branch of government—and report directly to Parliament on the performance of these mandates. The Commissioner of Official Languages applies central agency administrative policies in part or in

whole; as such, his independent status may be challenged if it is not well understood. Significant progress has been made in clarifying the principles that apply to officers of Parliament, through a Treasury Board decision in June 2009 to modify a certain number of policy instruments to recognize their independence. The Office of the Commissioner will continue to work with the organizations of other officers of Parliament to clarify and strengthen the role of the Parliamentary Panel as an independent mechanism for funding and oversight of officers of Parliament.

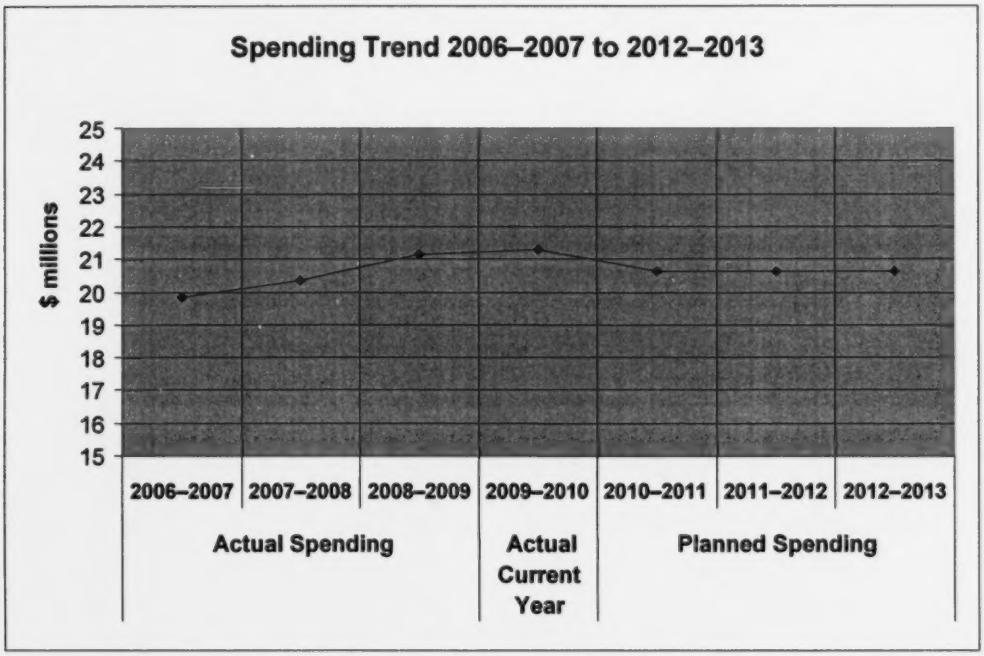
Third, like the federal public service as a whole, the Office of the Commissioner is experiencing unprecedented losses of knowledge and skills as the baby boom generation retires en masse. The system-wide challenge is to retain the knowledge of departing experts while acquiring new specialists in such functional groups as investigations and communications, and in finance and human resources management, areas experiencing a serious shortage of skilled candidates. This year, the Office of the Commissioner implemented year two of its three-year Strategic Human Resources Management Plan and enjoyed a reduction in its employee turnover rate compared with 2008–2009. A focus on staffing and recruitment brought the Office of the Commissioner to full capacity by year-end, but the organization remains in flux, with many employees in training as the Office transitions into its renewed ombudsman's role. Meanwhile, as confirmed by results from the 2008 Public Service Employee Survey, workload issues remain a key concern of the organization. For this reason, the Commissioner has initiated an A-base review to ensure the most effective use of the public resources that are entrusted to him.

Fourth, the existing functions within the Office of the Commissioner, as well as the new processes described previously, continually require more advanced technological systems and tools to manage information holdings effectively and in a secure environment. This involves specialized skills and an increased capacity to meet growing demands from the organization's managers. Furthermore, the Office of the Commissioner's technical infrastructure and its current business applications have become obsolete. Dealing with the potential loss of historical business data continues to be an issue. The organization's IM/IT infrastructure relies on unsupported operational systems. Corporate financial and human resources data also lack common resource management, information access, data sharing and reporting capabilities. Finally, the Office of the Commissioner's Internet platform lacks the design foundation for reaching a sustainable level in the delivery of services to Canadians. Just as his Office's supporting infrastructure is deteriorating, the Commissioner's way of doing business is evolving, demanding proactive attempts to modernize operations. But all too often, funding earmarked for infrastructure upgrades must be redirected to deal with critical failures in the IM/IT systems.

The Office of the Commissioner has been working to develop a Treasury Board submission to obtain necessary one-time funding required to address these critical shortfalls.

Expenditure Profile

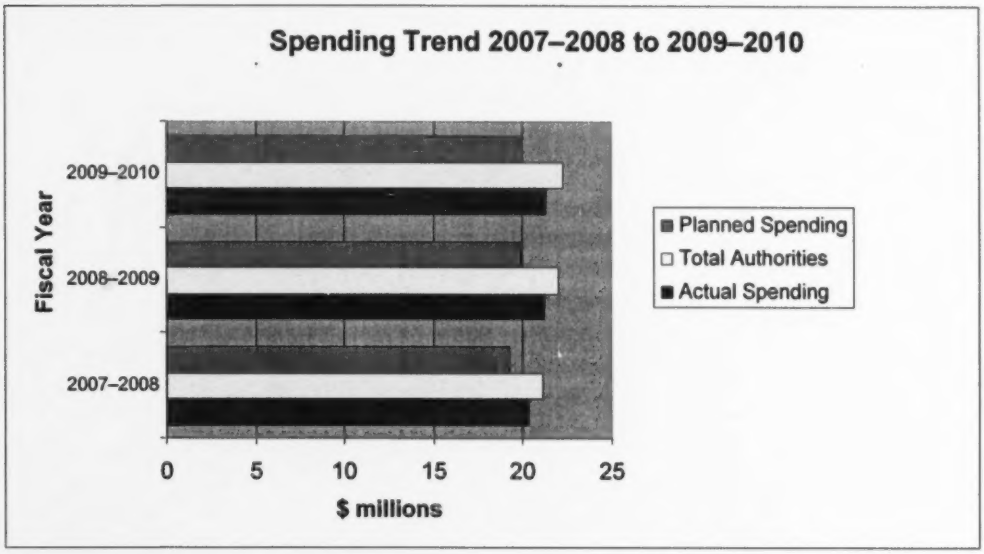
The following chart illustrates the Office of the Commissioner's spending trend over seven years, representing actual spending for the past three years and the current year, 2009–2010, and planned spending for the next three years.



The Office of the Commissioner's actual spending for 2009–2010 was $21.3 million. Compared with 2006–2007, actual spending has increased by 7%. The increase is primarily related to Supplementary Estimates for collective agreement settlements, severance payments, parental leave payments and additional funding received in 2007–2008 for the development and implementation of the access to information function and internal audit function to meet new requirements under the *Federal Accountability Act*. Both of these new functions further improve the Office of the Commissioner's ability to demonstrate transparency in its management practices.

The planned spending from 2010–2011 to 2012–2013 reflects Main Estimates only. It does not reflect the impact of measures to restrain spending included in Budget 2010, starting with the 2010–2011 fiscal period. Funding reduction has been estimated by the Office of the Commissioner to be between $150,000 and $200,000.

The following chart shows the Office of the Commissioner's spending trend over a three-year period. Additional information is provided in Section III of this report, under Financial Highlights.



Voted and Statutory Items

The following table shows the voted items Parliament approved through the Main Estimates, with its supply bills. The Main Estimates are those supplied by the Treasury Board Secretariat.

		2007–2008 ($000)	2008–2009 ($000)	2009–2010 ($000)	
Vote or Statutory Item	Truncated Vote or Statutory Wording	Actual Spending	Actual Spending	Main Estimates	Actual Spending
20	Program expenditures	18,384	19,173	17,849	18,879
Statutory Item	Contributions to employee benefit plans	1,962	1,994	2,087	2,307
	Total	20,346	21,167	19,935	21,286

Details in the 2009–2010 Voted and Statutory Items do not add to the total due to rounding.

Actual spending includes expenses for both the Main Estimates and Supplementary Estimates for collective agreement settlements, severance payments and parental leave payments. Actual spending in 2009–2010 is less than in 2008–2009 mainly because of a reduction in Temporary Help Services resulting from the increased staffing of positions. The contributions to employee benefit plans are greater in 2009–2010: they are set by the Treasury Board.

Section II: Analysis by Program Activity

Strategic Outcome

Canadians' rights under the *Official Languages Act* are protected and respected by federal institutions and other organizations subject to the Act; and linguistic duality is promoted in Canadian society.

The Office of the Commissioner's single strategic outcome is to see Canadians' rights under the *Official Languages Act* respected and protected, and linguistic duality in Canadian society continually promoted. The organization plays a lead role in encouraging federal institutions and other organizations subject to the Act to protect and respect Canadians' language rights through their policies and programs. As well, the Office of the Commissioner influences other stakeholders in the promotion of linguistic duality in our society. While it has a unique role in ensuring compliance with the *Official Languages Act*, the Office of the Commissioner is nonetheless one of several federal actors with responsibilities for achieving the objectives, spirit and intent of the Act. The performance indicators used in this report seek to measure the organization's progress toward its strategic outcome through the Commissioner's influence as an independent officer of Parliament. Reliable performance information on the impact of its interventions enables the Office of the Commissioner to optimize its effectiveness by helping to determine which actions to pursue or alter.

The Office of the Commissioner's program activities seek to realize its strategic outcome. This section describes the organization's three program activities, summarizes expected results,[2] lists performance indicators and assesses performance under each activity. It also details the financial and human resources used in pursuit of each program activity, explains the benefits of the Office's activities for Canadians, and summarizes lessons learned in the pursuit of the organization's strategic outcome.

[2] The expected results presented in the tables in this section are the same as those outlined in the Office of the Commissioner's *2009–2010 Report on Plans and Priorities*, with possible minor changes in wording.

Progress on the Performance Measurement Framework of the Office of the Commissioner of Official Languages

The Office of the Commissioner developed its first formal performance measurement framework in 2008–2009, including performance indicators for its strategic outcome and expected program results. The organization planned to begin collecting baseline data for each performance indicator in 2009–2010 to inform the development of realistic performance targets and service standards. However, in doing so, and after further consultation with Treasury Board Secretariat, the organization realized that it needed to further refine its performance indicators. As well, the outlay of resources required to support the Commissioner's activities in the run-up to the Vancouver Olympic Games, and outreach and promotion activities in support of the 40th anniversary of the *Official Languages Act*, combined with the organization's dearth of technology and resources for information management, made it impossible for the Office of the Commissioner to achieve the desired progress on its performance measurement framework this year and will further delay implementation. This 2009–2010 performance report therefore relies largely on subjective assessments by the organization's staff.

Program Activity 1: Protection Through Compliance Assurance

Activity Description

The Office of the Commissioner receives and investigates complaints filed by citizens who believe their language rights have not been respected. Using performance measurement tools and audit instruments, the organization also evaluates compliance with the *Official Languages Act* by federal institutions and other organizations subject to the Act and intervenes proactively to prevent non-compliance with the Act. Finally, the Office of the Commissioner may intervene before the courts in cases that deal with non-compliance with the *Official Languages Act* or the *Canadian Charter of Rights and Freedoms*.

Program Activity 1: Protection Through Compliance Assurance					
2009–2010 Financial Resources ($000)			**2009–2010 Human Resources (FTEs)**		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
6,617	7,284	6,466	68.0	58.9	9.1

Total authorities include the Main Estimates (planned spending), approved at the beginning of the year, and Supplementary Estimates, approved during the year for the Office of the Commissioner's share of collective agreement settlements, severance payments and parental leave payments.

Parliament approves appropriations (total authorities) for the Office of the Commissioner, and these resources are then allocated to program activities by the organization to fulfill its mandate. In 2009–2010, $7.3 million and 68.0 FTEs were allocated to this program activity. Actual

spending was less than the allocation mainly due to a shortfall in staff and a reduction in operating expenses.

Planned FTEs reflect the resources available as part of total authorities. In 2009–2010, 58.9 FTEs were used. This represents 87% of the planned 68 FTEs. Actual FTEs increased by 6.1, with indeterminate employees accounting for 84% of this increase. The staffing shortfall of 9.1 FTEs is related to ongoing challenges in recruiting personnel.

Additional information is provided in Section III of this report, under Financial Highlights.

Expected Results	Performance Indicators*	Performance Summary
1. Canadians receive timely and appropriate responses to their complaints, requests for action and inquiries	Percentage of responses to inquiries, complaints and requests for action that OCOL delivered in accordance with its service standards (Analysis of statistics on response time, once service standards are developed) Quality of investigative process (identified in Report on Plans and Priorities as "Percentage of complaints resolved through a facilitated complaint resolution process: analysis of statistics on the resolution vehicle used to resolve complaints")	**Investigation of Complaints** Between April 1, 2009, and March 31, 2010, the Office of the Commissioner opened 1,819 files: three files were related to an investigation on the initiative of the Commissioner, 32 files were requests for an intervention by the Commissioner, 71 files were requests for information; and 1,713 files were complaints. Out of the 1,713 complaints received, 1,477 were admissible complaints[3] related to the implementation of the *Official Languages Act*, including 876 directly related to the budget cuts at CBC/Radio-Canada in Windsor. For the same period, the Office of the Commissioner closed 916 admissible complaints, which includes 520 complaints from the backlog and 396 complaints received during the fiscal year. At the end of 2009–2010, 1,905 admissible complaints remained open. On June 1, 2009, the Office of the Commissioner implemented the facilitated resolution process and finalized an organizational restructuring to move forward with improving its ombudsman role. The Office of the Commissioner also made limited progress this year on its performance measurement framework, developing basic service standards to facilitate a more rigorous assessment of investigations and the timeliness of its resolution of complaints.
2. Federal institutions and other organizations subject to the *Official Languages Act* are fully aware of the	Extent to which investigation, audit and annual report recommendations are implemented two years after their	The Office of the Commissioner uses several mechanisms to inform federal institutions and other organizations of their compliance performance regarding the *Official Languages Act*. These include audits, report cards, targeted communications relating to complaint investigations and representations before parliamentary committees. The Office of the Commissioner also maintains regular contact with official languages

[3] An admissible complaint is a complaint that is accepted for investigation by the Commissioner on the basis of initial evaluation by the Complaint Reception Centre because its subject matter:

- may potentially constitute an infraction of the letter, spirit or intent of the *Official Languages Act*;
- relates to a federal institution; or
- relates to a specific incident or series of incidents.

Expected Results	Performance Indicators*	Performance Summary
extent of their compliance under the Act and what they need to do to fulfill their obligations under the Act	tabling (Follow-up and analysis of responses to OCOL recommendations received from federal institutions and organizations) Percentage of interventions that led to improvements in the official languages practices of targeted federal institutions within two years of the intervention (Follow-up and analysis of the official languages practices in targeted federal institutions through quarterly reports to institutions, performance report cards, interventions' correspondence)	coordinators across Canada, including through attendance at the various departmental committees on official languages, as well as through regular liaison with federal institutions. The Office of the Commissioner targeted three key airport authorities in 2009–2010, seeking to improve services in both official languages at the airports and increase the vitality of official language communities in Halifax, Toronto and Vancouver. It completed the Audit of the Management of the Official Languages Program at the Halifax International Airport and conducted an awareness campaign with key institutions that play a critical role in the provision of service to the travelling public: Vancouver Airport Authority, Greater Toronto Airports Authority, Canada Border Services Agency, Air Canada and the Canadian Air Transport Security Authority. Throughout the year, the Office of the Commissioner produced and distributed 78 regular reports to selected federal institutions, summarizing the status of complaints filed against them. The organization's staff also met with managers and senior officials of key federal institutions as part of the implementation of the Office of the Commissioner's new facilitated resolution process, and provided briefings on the new process to the Departmental Advisory Committee on Official Languages and the Crown Corporations Advisory Committee on Official Languages. The Office of the Commissioner completed the planning for delivering information sessions to parliamentarians on compliance issues, scheduled for April 2010. For broader awareness raising, the Office of the Commissioner updated its Internet and intranet sites to include more information on the new facilitated resolution process. **Audits** As noted in last year's Performance Report, the Office of the Commissioner has revised its external audit policy to reflect the renewed ombudsman role of the Commissioner. The audit methodology, through a more collaborative approach with audited institutions, seeks the commitment of senior leaders to achieve positive, sustainable results for Canadians. In 2009–2010, the Office of the Commissioner published an audit of the management of the Official Languages Program at Halifax International Airport, as well as a follow-up[4] to its 2007 audit on the implementation of Part VII of the *Official Languages Act* at the Canadian Radio-television and Telecommunications Commission (CRTC). The Commissioner was generally satisfied with measures taken by the CRTC in response to his audit recommendations, as well as with CRTC's action plan. All the activities developed so far—including the creation of the formal and structured discussion CRTC forum with official language communities—enabled fruitful consultations to take place with a good number of representatives of linguistic communities from across Canada, which has undoubtedly advanced the implementation of section 41 of the *Official Languages Act* at the CRTC.

[4] A follow-up audit examines whether an institution implemented recommendations made by the Commissioner in an earlier audit.

Expected Results	Performance Indicators*	Performance Summary
		The Office of the Commissioner believes that the CRTC still has work to do to review its broadcasting and telecommunications policies. A senior analyst at the Office of the Commissioner has been assigned to monitor progress on CRTC measures taken in response to the Commissioner's recommendations 7a) and b), 9 and 10, as well as all activities related to the implementation of the *Official Languages Act*. The Office of the Commissioner made important progress on other key audits, which will carry over into 2010–2011, including: • Linguistic Audit of the Canadian Forces' Individual Training and Education System: findings from last year's examination were shared with the institution in November, which delivered an action plan at the end of February. • Audit of the Delivery of Bilingual Services to the Public by Service Canada: examination began in January. **Measuring Compliance with the *Official Languages Act* (Report Cards)** In 2009–2010, as an experiment, the Office of the Commissioner published its annual report in two volumes, devoting Volume I to governance and Volume II to compliance. The institutional report cards in Volume II convey targeted messages on compliance, with the bonus of providing another opportunity to report on the Commissioner's activities. The organization will evaluate the effectiveness of preparing a two-volume report before deciding to make it regular practice. **Intervention in Court Cases Involving the *Official Languages Act*** In 2009–2010, decisions related to official languages obligations were handed down in two cases in which the Commissioner intervened. In the *VIA Rail* decision, the Federal Court clarified the obligations of institutions for the language requirements of positions; the Court also asserted that institutions are not limited to the minimum regulatory requirements for communicating with the public and provision of services. In *DesRochers v. Industry Canada*, the Supreme Court of Canada handed down a judgment in 2009 establishing that federal institutions must provide services that respond to the specific needs of official language communities, instead of providing identical services to both language communities. The Commissioner highlighted the impact of this landmark decision, which marked the first time the Supreme Court of Canada has interpreted the scope of the right to receive services from federal institutions in both official languages pursuant to Part IV of the *Official Languages Act*. The Commissioner's involvement as co-appellant before the Court carried through after the decision was handed down; the Commissioner discussed the impact of this judgment with ministers and representatives of federal institutions in his appearances before parliamentary committees, as well as during many public appearances.

* These tables do not include targets or performance status because the Office of the Commissioner is still developing its service standards. Once these standards are finalized, they will be imported into the organization's performance measurement process and provide more quantitative performance reporting in the next DPR.

Performance Analysis

The Office of the Commissioner accomplished much of its usual business, despite being short-staffed for much of the year, carrying a significant backlog of complaint files forward from last year, and mobilizing significant resources in the run-up to the Vancouver Olympics. Changes to major organizational functions, including the complaint resolution process, the audit process and official languages report cards, continued this year as the organization completed a transition that began last year with the renewal of the Commissioner's ombudsman role. The successful implementation of the Commissioner's ombudsman role was demonstrated in the organization's significant investment of energy and resources in raising awareness and working collaboratively with more than 20 federal institutions to prepare for the Olympic and Paralympic Games. The Office of the Commissioner conducted pre-Olympics observations of service to the public by institutions that typically deal with the travelling public, including the Canadian Air Transport Security Authority, Air Canada, the Greater Toronto Airport Authority and the Vancouver Airport Authority, and by other key institutions, such as Service Canada, Canada Post, Parks Canada and the Canada Mortgage and Housing Corporation. These observations enabled the Office of the Commissioner to provide feedback to organizations involved in the preparations for the Games so that they would be better equipped to welcome the public in both official languages.

Benefits for Canadians

Protection Through Compliance Assurance offers Canadians a recourse mechanism when they feel their language rights have been infringed upon. The Office of the Commissioner also works proactively to raise and maintain awareness within federal institutions of the letter and spirit of the *Official Languages Act*. Identifying areas where greater efforts are required reduces the need for remediation.

The Office of the Commissioner's concerted efforts in the run-up to the Olympics—in particular, the awareness campaign and follow-ups among key federal institutions and the provision of Office representatives on-site to respond quickly to complaints in the short timeframe set by the Olympics—reinforced the value of Canada's linguistic duality.

The Court judgments handed down this year set important precedents, providing not only definitive answers on issues relating to compliance for the federal institutions involved, but also offering guidance for interpreting linguistic rights and thereby contributing to the advancement of linguistic duality in Canadian society.

Program Activity 2: Promotion Through Policy and Communications

Activity Description

The Office of the Commissioner works with parliamentarians, federal institutions and other organizations subject to the *Official Languages Act*, official language communities and the Canadian public to promote linguistic duality. The Office of the Commissioner builds links between federal institutions, official language communities and the different levels of government to improve understanding of the needs of official language communities, the importance of bilingualism and the value of respecting Canada's linguistic duality. To fulfill its promotion role, the Office of the Commissioner conducts research studies and public awareness activities, and intervenes with senior federal officials to instill an organizational culture that fully integrates linguistic duality.

Program Activity 2: Promotion Through Policy and Communications					
2009–2010 Financial Resources ($000)			2009–2010 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
7,159	7,612	7,260	55.0	57.5	(2.5)

Total authorities include the Main Estimates (planned spending), approved at the beginning of the year, and Supplementary Estimates, approved during the year for the Office of the Commissioner's share of collective agreement settlements, severance payments and parental leave payments.

Parliament approves appropriations (total authorities) for the Office of the Commissioner, and these resources are then allocated to program activities by the organization to fulfill its mandate. In 2009–2010, $7.6 million and 55 FTEs were allocated to this program activity. Actual spending was less than the allocation mainly due to a reduction in operating expenses.

Planned FTEs reflect the resources available as part of total authorities. In 2009–2010, 57.5 FTEs were used. This represents 105% of the planned 55 FTEs. Actual FTEs increased by 1, with indeterminate employees accounting for 100% of this increase. The staffing overage of 2.5 FTEs is related to determinate, casual and student staff.

Additional information is provided in Section III of this report, under Financial Highlights.

Expected Results	Performance Indicators	Performance Summary
3. Parliament receives useful advice and information about the official languages implications of evolving legislation, regulations and policies	Impact of the Commissioner's interventions on the formulation of evolving legislation, regulations and policies through appearances before parliamentary committees and other representations with parliamentarians (Content analysis of parliamentary committee reports, transcripts and Hansards; draft versus final bills to determine whether the Commissioner's interventions were considered; and feedback from	**Parliamentary Appearances by Commissioner** The Commissioner made 10 appearances before parliamentary committees this year, twice as many as last year. Seven appearances related to the 2010 Olympic and Paralympic Winter Games in Vancouver. These discussions guided parliamentarians in many productive interventions with VANOC and with the federal institutions involved, and provided parliamentarians with the means to evaluate the results. Parliamentarians played an important role in ensuring that the Canadian public and foreign visitors could receive services in both official languages and experience Canada's linguistic duality. The Commissioner appeared before the House of Commons Standing Committee on Justice and Human Rights to recommend passing Bill C-232, on the appointment of bilingual judges to the Supreme Court of Canada. Other topics presented to parliamentary committees included the 2008–2009 annual report, second-language learning in Canada's universities and the Nunavut *Official Languages Act*.

Expected Results	Performance Indicators	Performance Summary
	parliamentarians and/or official languages parliamentary committees)	
4. The public, official language minority communities, the media and federal institutions and other organizations subject to the Act have access to information and tools to understand official language rights and obligations, and the importance of linguistic duality in Canada	Outreach to and feedback from the public, official language minority communities, the media and those subject to the Act about the information and tools provided and/or made available by OCOL (Tracking and analysis of outreach and feedback from selected interactions with various audiences, distribution of publications, OCOL's booths at events; review of number and range of inquiries and correspondence with the public)	**Annual Report** The Commissioner's 2008–2009 annual report, published in May 2009, was extensively promoted among federal institutions and received significant media coverage. The report included a historical retrospective on 40 years of the *Official Languages Act*. In celebrating the 40th anniversary, the Commissioner called for new players to become involved—universities, other post-secondary institutions and youth—so that Canada could fully benefit from its linguistic advantage. The Commissioner pointed to the need for government to show strong leadership and a consistent approach to implementing official languages obligations, as well as the need to protect official languages programs and the language rights of individuals and official language communities despite economic challenges. **Promotion and Awareness Raising** To provide the Canadian public, parliamentarians and federal public servants with a better understanding of the goals of the *Official Languages Act*, his Office's mandate and the official languages program in Canada, in 2009–2010 the Commissioner: • conducted 90 interviews, garnering 1,447 mentions in Canadian media; • gave 43 speeches at conferences and public events (including the launch of the Quebec English-Speaking Communities Research Network and conferences on linguistic duality in New Brunswick; the status of French in Western Canada; Francophone immigration in Canada; and language planning in capitals and urban environments); and • issued 11 news releases, including on landmark Court rulings. The Commissioner's staff also promoted linguistic duality in numerous other forums, including information booths at 16 national, 26 regional and 3 international events, reaching some 12,900 people. The Office of the Commissioner capitalized on the 40th anniversary of the *Official Languages Act* to generate awareness, interest and public participation in linguistic duality through an array of promotional activities. For example, the organization produced a travelling exhibit, published a special e-newsletter and hosted a symposium. It also published the 40th anniversary special edition of the on-line newsletter *Beyond Words*, which has 1,415 subscribers across Canada. The Office of the Commissioner's crowded agenda of outreach activities targeted key federal institutions, including Air Canada, Canada Post, the RCMP, Service Canada, the Canada Border Services Agency, airport authorities, the CBC, Canadian Heritage, Treasury Board Secretariat, the Department of National Defence and the National Capital Commission. The Office of the Commissioner's Young Professionals Network,

Expected Results	Performance Indicators	Performance Summary
		established in 2007 to strengthen the voice of younger employees in the organization and encourage them to take on an informal official languages ambassadorial role among public servants and Canadian society, organized a discussion forum on language of work in the fall of 2009. The forum brought together about 100 young public servants from more than 30 departments and agencies. In taking the pulse of the new generation of federal government employees, the forum revealed some best practices regarding the use of the official language of one's choice and the use of both official languages at work. A number of participants made a personal commitment to take concrete steps to promote the use of both official languages in their work environment. The Network presented the forum's results to the Council of the Network of Official Languages Champions in January. Through its efforts, the Young Professionals Network increased awareness of language-of-work rights and responsibilities, encouraged discussions in other institutions on the subject, and improved collaboration between young professionals throughout the public service on the issue, leading to many follow-up activities and presentations to various federal groups. The Office of the Commissioner continued its work with regional federal councils across the country to support them as official languages leaders and encourage activities that would help member institutions meet their commitments under the *Official Languages Act*. This year, the Office of the Commissioner collaborated with the councils to promote the development of a strategic plan for official languages to raise the profile and knowledge of linguistic duality as a national value in the public service. Other progress with the federal councils stemmed from promotional efforts related to the 40th anniversary of the *Official Languages Act*. **Representations to Central Agencies and Other Organizations** The Commissioner meets regularly with the Clerk of the Privy Council, the Canadian Heritage Minister and the President of the Treasury Board to discuss the annual report and emphasize their role in implementing the recommendations. For the 2010 Olympic and Paralympic Winter Games, the Office of the Commissioner continued its awareness-raising efforts, meeting with key federal institutions and Games committees, including the Essential Federal Services Committee and the Federal–Provincial/Territorial Deputy Ministers' Committee. **Regional Liaison with Official Language Communities** Meetings and presentations were organized in the regions with organizations and federal institutions, as well as with representatives from other orders of government in 2009–2010. Here are some highlights: • The Commissioner was the keynote speaker at the first Pathways to Bilingual Success Conference in Toronto, where he met with 600 students from the Greater Toronto Area enrolled in French immersion, extended French and French-as-a-first-language

Expected Results	Performance Indicators	Performance Summary
		programs. • At the Language Instruction for Newcomers to Canada (LINC) Administrators Conference in February, the Office of the Commissioner offered a special presentation titled "The Double Minority—Bilingualism in Today's Canada" as part of the plenary panel. • The organization's Atlantic regional office, with the provincial branches of Canadian Parents for French, organized a series of discussion groups to follow up on the Commissioner's report on second-language learning in Canadian universities. • In August, the Commissioner participated in the festivities surrounding the 475th anniversary of Jacques Cartier's arrival in Gaspé by attending the inauguration of the William Wakeham Audio Tour, a historical account of a little-known Commander who contributed significantly to the development of the region's commercial fishery. The new tour, co-created by the Committee for Anglophone Social Action, Fisheries and Oceans Canada, and the Community Economic Development and Employability Corporation, provided Gaspé's English-speaking community with a showcase for its historical and modern-day presence in the region. • The Commissioner encouraged collaboration between the soon-to-be-completed Canadian Museum of Human Rights and official language communities, urging the Museum to take a proactive approach to official languages even as it develops its human resources policy and designs its exhibits. Already there are promising signs as the Museum has begun to recruit and hire bilingual staff and reflect on the language implications of the Canadian immigrant experience. • The Commissioner attended the Nunavut language summit in Iqaluit. The Nunavut territory has begun implementing its newly adopted *Official Languages Act* and *Inuit Language Protection Act*. Invited by the Nunavut government, the Commissioner was continuing his commitment to share his expertise with officials of the Nunavut government and Nunavut's Official Languages Commissioner. **Intervention in Court Cases Involving the *Canadian Charter of Rights and Freedoms*** In December 2008, the Commissioner appeared as an intervener before the Supreme Court of Canada in the cases of *Ministre de l'Éducation, du Loisir et du Sport, et al. v. Hong Ha Nguyen, et al.*, and *Ministre de l'Éducation, du Loisir et du Sport, et al. v. Talwinder Bindra*. Both cases deal with access to minority language education in Quebec and were decided in 2009. Upholding the interpretation principles presented by the Commissioner, the Supreme Court of Canada—in a unanimous decision—confirmed that the right to minority language education (set out in section 23 of the *Canadian Charter of Rights and Freedoms*) should be interpreted in a manner consistent with the constitutional objective of protecting linguistic minority communities. Despite confirming that the objective of protecting the French language in Quebec is an important and legitimate one, the Supreme Court struck down the Quebec National

Expected Results	Performance Indicators	Performance Summary
		Assembly's 2002 amendment to the Charter of the French Language that limited access to English-language public school education. The National Assembly of Quebec was given one year to correct the contested legislation. The Commissioner also obtained intervener status in the *Caron v. Alberta* case before the Supreme Court of Canada in February 2010. In that case, the Commissioner argued that interim costs should be available in important constitutional cases related to language rights. The judgment rendered by the Supreme Court in this case will have a significant impact on Mr. Caron's ability to carry on with his constitutional and language rights case before the Alberta Court of Appeal.
5. Canadian public policy is influenced by research and analyses on language rights and linguistic duality issues	Key public stakeholders' access to and consideration of OCOL research and analyses in their policy making (Tracking of feedback from key stakeholders and content analysis of a selection of study recommendations and formal letters to government officials to see how they influenced government policies)	**Research** Every year, the Office of the Commissioner conducts studies to enhance understanding among Canadians of how the status and use of English and French have evolved across the country. In 2009–2010, the Office of the Commissioner published three studies: • A study examining the possibilities for second-language learning at Canadian universities, *Two Languages, a World of Opportunities: Second-language Learning in Canada's Universities* is the first survey of second-language learning offerings at Canada's 84 universities and identifies important gaps that prevent students from developing their second-language skills as they pursue higher education and prepare to enter the workforce. One goal was to raise awareness among key players—that is, universities and provincial and federal governments—of the importance of supporting second-language learning that continues after students finish secondary school. Four roundtable discussions in the Atlantic provinces generated practical dialogue about how to improve the training opportunities in each of the provinces. The success of these roundtables could be a springboard to similar discussions in the rest of the country. • *Vitality Indicators 3: Rural Francophone Communities in Saskatchewan* is part of the third phase of a multi-year research project on the vitality of Canada's official language communities in western Canada. For this study, the Office of the Commissioner examined the rural Saskatchewan region encompassing Duck Lake, St. Louis, Domremy, Hoey and St. Isidore-de-Bellevue. The goal was to determine how rural Francophone communities could contribute to their own vitality—the study was tailored to the community by integrating it in the existing collaborative "Projet du terroir"—and to evaluate progress made toward shared goals. • Sponsored in partnership with Canadian Heritage, a study and summary report on the Francophone communities in the northern territories are scheduled to be launched in October 2010 at a meeting of Part VII coordinators. The Office of the Commissioner undertook a research project exploring the essential competencies and behaviours that senior

Expected Results	Performance Indicators	Performance Summary
		officials must demonstrate to fully integrate linguistic duality as a core value into the federal public service. This study on leadership in a bilingual public service takes a proactive approach to resolving problems related to language in the workplace. *Raising Our Game for Vancouver 2010: Towards a Canadian Model of Linguistic Duality in International Sport—A Follow-up* examined the progress that had been made to satisfy the language requirements Canadian Heritage set out for VANOC for the Games in a multi-party agreement under the *Official Languages Act*. It also examined how well federal institutions, including Canadian Heritage, considered the Act's language requirements as they planned their activities in the run-up to the Games. The Commissioner made 11 recommendations to VANOC, Canadian Heritage and other Canadian federal institutions, recommending that these organizations monitor their own official languages performance during the Games and report on successes and lessons learned. On the day the Commissioner's follow-up report was published in September 2009, the Minister of Canadian Heritage announced $7.7 million in additional funding for bilingual permanent signage, resources for translation and interpretation, and bilingual nightly medal ceremonies. This fulfilled certain recommendations of the follow-up report. The Office of the Commissioner's also produced quarterly updates on the official languages aspects of the Games, as mandated by a motion adopted by the House of Commons Standing Committee on Official Languages. A forum to enhance the understanding of linguistic duality among Canadians of diverse origins, held in Vancouver in December 2008, was summarized in a report distributed to forum participants in November 2009. The forum also sought to develop ties with participants and to pursue and expand on this crucial dialogue that began with an earlier forum in Toronto and will continue with a similar forum in Montréal, slated for 2012. Finally, OCOL revisited its approach to monitoring and fostering the implementation of Part VII of the *Official Languages Act*; it conducted field studies and developed a multiple intervention strategy to craft a more comprehensive approach to ensuring that all federal institutions take positive steps that reinforce community vitality and promote the equality of English and French in Canadian society.

Performance Analysis

Even though many challenges remain in accomplishing all the objectives of the *Official Languages Act*, two high-profile events influenced much of the Office of the Commissioner's activities this year—the 2010 Vancouver Olympic and Paralympic Winter Games and the 40th anniversary of the Act. Both events highlighted the organization's raison d'être and proved a worthwhile investment. The Office of the Commissioner's work for these events helped to build stronger ties with federal institutions and greater awareness among Canadians of their official language rights.

Benefits for Canadians

Canada's language policies evolve through public discourse, and the Office of the Commissioner's work is to encourage that dialogue among legislators, the courts and citizens. Through its efforts, federal institutions and the public gain a better understanding of the core value of linguistic duality and of the situation of official language communities. Those communities, in turn, benefit from the greater understanding and openness displayed by federal institutions and by the population at large.

Program Activity 3: Internal Services

Activity Description

Internal Services are groups of related activities and resources administered to support the needs of the Office of the Commissioner's other program activities and corporate obligations. As the Office is a small entity, its Internal Services include two sub-activities: governance and management support, and resource management services. Given the legislated requirement to pursue court action under the law, legal services are excluded from Internal Services at the Office of the Commissioner and form part of Program Activity 1, Protection Through Compliance Assurance. Similarly, given the organization's mandate, its communications services are an integral part of Program Activity 2, Promotion Through Policy and Communications, and are therefore not included in Internal Services.

Program Activity 3: Internal Services					
2009–2010 Financial Resources ($000)			**2009–2010 Human Resources (FTEs)**		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
6,159	7,388	7,560	54.5	54.3	0.2

Total authorities include the Main Estimates (planned spending), approved at the beginning of the year, and Supplementary Estimates, approved during the year for the Office of the Commissioner's share of collective agreement settlements, severance payments and parental leave payments.

Parliament approves appropriations (total authorities) for the Office of the Commissioner, and these resources are then allocated to program activities by the organization to fulfill its mandate.

In 2009–2010, $7.4 million and 54.5 FTEs were allocated to this program activity. Actual spending was more than the allocation mainly due to an increase in operating expenses.

Planned FTEs reflect the resources available as part of total authorities. In 2009–2010, 54.3 FTEs were used. This represents 100% of the planned 54.5 FTEs. Actual FTEs increased by 8.5, with indeterminate employees accounting for 88% of this increase.

Additional information is provided in Section III of this report, under Financial Highlights.

Expected Result	Performance Indicators	Performance Summary
6. The Office of the Commissioner of Official Languages provides high-quality internal services, manages resources responsibly and applies sound management practices	Still being developed	**Human Resources Management** This year, the Office of the Commissioner implemented year two of the 2008–2011 Strategic Human Resources Plan, which included: • the launch of a Leadership Development Program; • the development of an Apprenticeship Program for the Compliance Assurance Branch to support the implementation of the renewed ombudsman role; and • a student recruitment and bridging initiative. The organization also continued to implement its three-year Employment Equity Plan, achieving a marked increase in the representation of visible minorities. The results of the 2008 Public Service Employee Survey, answered by 80% of employees at the Office of the Commissioner, were validated during an exercise, and a corporate action plan was approved by the Executive Committee for implementation over the next 18 months. The action plan focuses on specific initiatives to create a healthy workplace culture, free of harassment and discrimination, and to address the issues of workload and perceived shifts in the organization's priorities. The Office of the Commissioner also submitted its annual comprehensive Departmental Staffing Accountability Report to the Public Service Commission. The feedback received was positive. The one area where improvement was required was in integrating human resources and business planning. As a result of the Office of the Commissioner's internal audit of human resources management practices, a Human Resources Management Advisory Committee was created during the fall of 2009 with a mandate to validate emerging human resources management priorities affecting the organization for input in the Strategic Human Resources Management Plan. The committee met twice and made recommendations to the Executive Committee. **Access to Information and Privacy Requests** In 2009–2010, the Office of the Commissioner received 18 requests and 10 consultations under the *Access to Information Act*, and 5 consultations under the *Privacy Act*. Although one *Access to Information* request was late, no complaints were filed against the Office of the Commissioner during this period.

		Info Source was updated to increase conformity with the access to information and privacy acts. **Business Planning and Management Practices** For the seventh consecutive year, the Office of the Commissioner received an unqualified opinion on its financial statements from the Office of the Auditor General of Canada, following the audit of its financial statements for 2009–2010. The Office of the Commissioner reviewed its internal controls and presented the findings to the Audit Committee. Overall, the organization is satisfied with the state of its internal controls, and a few areas have been marked for improvement. The Office of the Commissioner continued the three-year implementation of its performance measurement framework, but is also reviewing it in light of the implementation of an evaluation function and the integration of performance measurement with evaluation. The Office of the Commissioner focused on improving its integrated planning process, learning from the pilot conducted in 2008–2009. The Commissioner launched an A-Base Review to ensure that the organization has the right level of resources aligned with its strategic priorities and mandate, and that it creates a stable and effective organization over the next five years. The objectives of the review are to ensure that the Office of the Commissioner is doing the right work, doing it efficiently and doing what is needed to reduce pressure on its resources. **Internal Audit** The audit of human resources management practices was completed in 2009–2010. The Office of the Commissioner started an audit of its information management/information technology (IM/IT) governance; the report is expected to be completed in 2010–2011. The Audit Committee members agreed to take on responsibilities related to the Office of the Commissioner's new evaluation function, which will be put in place in 2010–2011 as a result of the revised Treasury Board Policy on Evaluation. The Committee was renamed the Audit and Evaluation Committee, accordingly. The Audit and Evaluation Committee prepared and approved its second annual report, covering the period from April 1, 2009, to March 31, 2010. The Audit and Evaluation Committee met four times during the year and provided advice to the Office of the Commissioner to strengthen its governance, management control framework and risk management. The committee recognized the continuous progress being made in the organization and noted no serious weaknesses.

Performance Analysis

Although the Office of the Commissioner is a small organization, it continued working to improve its management practices, including the integration of human resources and IM/IT in its operational planning exercise, and made progress on its performance measurement framework. As mentioned last year, these notable changes for the organization will involve gradual implementation over several years.

The Office of the Commissioner nominated a Champion for the Public Service Employee Survey 2008, who developed an action plan that is being implemented and closely monitored. The action plan has already achieved some successes: the organization piloted an upward feedback exercise for managers and updated its Recognition Program.

Lessons Learned

The Office of the Commissioner's most valuable lessons this year, both positive and negative, arose in the context of its undisputed contribution to the success of the Vancouver Olympic Games. On the plus side, the organization discovered that careful planning and well-placed proactive interventions were remarkably effective at changing the behaviour of federal institutions. The Office also learned that designing interventions in which all branches work together was more effective and had a more sustained impact than interventions originating from a single branch of the organization. The reasons for these successes appeared to lie in the synergies, multiple perspectives and cross pollination inherent in the horizontal initiatives.

However, the Office of the Commissioner also realized that mobilizing for major events such as the Olympic Games and the 40th anniversary of the *Official Languages Act* has a major impact on the its ability to deliver on ongoing day-to-day activities.
Finally, the substantial changes to the Office of the Commissioner's business process and management practices had a very significant impact on staff workload, perhaps not surprising in such a small organization. For example, addressing systemic problems related to the compliance of federal institutions, while bringing sustainable results is resource intensive. The lesson, then, is that the rate of organizational change must align with organizational capacity.

Section III: Supplementary Information

This section presents the financial highlights, lists some supplementary information tables relevant to the Office of the Commissioner, and cites other items of interest.

Financial Highlights

Audited Financial Statements

The Office of the Commissioner's audited financial statements are for the year ended March 31, 2010.

Condensed Statement of Financial Position At March 31	% Change	2009–2010 ($000)	2008–2009 ($000)
ASSETS	(26%)	3,239	4,360
LIABILITIES	(10%)	5,276	5,844
EQUITY OF CANADA	37%	(2,037)	(1,484)
TOTAL	(26%)	3,239	4,360

The reduction of $1.1 million in assets at year-end is related to: the reduction in the "due" from the Consolidated Revenue Fund account, which no longer reflects accrued salaries at March 31, 2008, for Public Service Alliance of Canada collective agreements signed late in 2008–2009; the reduction in the "recoverable" from the Treasury Board for overpayments to the employee benefit plans; and the reduction in tangible capital assets, as amortization exceeded the purchase of new acquisitions.

The reduction of $0.6 million in liabilities at year-end is related to the reduction in accrued salaries and severance pay, net of the increase in the payments to the employee benefit plans to Treasury Board and in the new one-time vacation pay entitlement to employees after their second year of service.

The increase of $0.5 million in the equity of Canada results from the reduction of $1.1 million in assets less the reduction of $0.6 million in liabilities. Like other departments and agencies, the Office of the Commissioner receives most of its funding through annual parliamentary appropriations. Items recognized in the statement of operations and the statement of financial position in one year may be funded through parliamentary appropriations in prior, current or future years. Accordingly, the Office of the Commissioner has different net results of operations for the year on a government funding basis (Public Accounts of Canada) than on an accrual accounting basis (financial statements). Consequently, at the end of the 2009–2010 fiscal period, the equity of Canada indicates that the Office of the Commissioner has items that may require funding in future years.

Planned Spending, Total Authorities and Actual Spending

The headings "Planned Spending", "Total Authorities" and "Actual Spending" displayed in the financial tables in this report can be summarized as follows:

- Planned spending is the basic funding provided by Parliament at the beginning of the year by means of the Main Estimates.
- Total authorities include both the Main Estimates (planned spending) for the year, as well as any additional or supplementary funding provided by Parliament during the year.
- Actual spending represents the cash-related expenses and acquisitions of assets, such as tangible capital assets, made during the year and not the non-cash expenses incurred during the year as per the financial statements (i.e., services provided free of charge by other departments).

Parliamentary Appropriations Approved (Total Authorities)

Section II of this report presents the financial and human resources approved by Parliament and allocated to the Office of the Commissioner as per its Program Activity Architecture, approved by the Treasury Board and presented in Section I of this report.

In 2009–2010, Parliament approved $22.3 million. These appropriations are composed of $19.9 million in Main Estimates (planned spending) and a further $2.4 million in Supplementary Estimates. The $2.4 million includes collective agreement settlements ($0.6 million), severance and parental leave payments ($0.6 million), employee benefit plan payments ($0.3 million) and the 2008–2009 carry-forward funding ($0.9 million).

In 2008–2009, Parliament approved $22 million. The increase of $0.3 million in 2009–2010 is mainly related to an increase in employee benefit plan payments to Treasury Board.

Parliamentary Appropriations Used (Actual Spending)

In 2009–2010, the Office of the Commissioner spent $21.3 million of the $22.3 million in parliamentary appropriations approved. The amount spent by program activity is reported in Section II of this report.

The Office of the Commissioner, subject to parliamentary approval, may carry forward lapsed amounts of up to 5% of its operating budget (based on Main Estimates program expenditures) into the next fiscal year. Accordingly, the organization lapsed $1.0 million in 2009–2010 mainly due to a shortfall in staff that created delays on projects and a reduction in operating expenses.

Full-time Equivalents Used

The summary table of resources in Section 1 of this report indicates that the Office of the Commissioner used 170.7 FTEs in 2009–2010, which represents 96% of its planned 177.5 FTEs, up from 87.5% in 2008–2009. Despite the ongoing challenges in recruiting and retaining staff, this represents an increase of 10% in the number of FTEs used from last year, attributable mainly to an increase of 13.5 indeterminate employee FTEs.

Condensed Statement of Operations for the Year Ended March 31, 2010

	2009–2010				2008–2009
Operating Expenses	**Protection Through Compliance Assurance**	**Promotion Through Policy and Communications**	**Internal Services**	**Total**	**Total**
Salaries and employee benefits	$6,183,198	$5,843,495	$5,084,329	$17,111,022	$16,484,546
Professional and special services	473,242	1,147,727	1,582,279	3,203,248	3,988,591
Accommodation	605,666	605,666	519,141	1,730,473	1,719,240
Transportation and telecommunications	192,051	357,399	604,460	1,153,910	1,160,976
Amortization of tangible capital assets	269,283	269,283	230,815	769,381	744,219
Other expenses*	50,620	343,081	490,421	884,122	836,133
Net cost of operations	**$7,774,060**	**$8,566,651**	**$8,511,445**	**$24,852,156**	**$24,933,705**

* Other expenses include communication and printing; repairs and maintenance; utilities, materials and supplies; rentals of photocopiers; and other items. The increase from 2008–2009 is mainly related to shared application software maintenance contracts with Public Works and Government Services Canada having been reclassified from professional services to repairs and maintenance.

The Office of the Commissioner must report appropriations used (Actual Spending), which are displayed in the Public Accounts of Canada and not appropriations set aside for non-cash expenses.

The timing differences are reconciled as follows:

	2009–2010	2008–2009
Net cost of operations per audited financial statements	**$24,852,156**	**$24,933,705**
Add or Deduct: Non-cash expenses affecting net cost of operations but not affecting appropriations		
Amortization of tangible capital assets	(769,381)	(744,219)
Services provided without charge by other government departments*	(3,014,303)	(2,922,992)
Decrease (increase) in vacation pay and compensatory leave	(139,803)	22,895
Decrease (increase) in accrued employee severance benefits	64,984	(501,834)
Other adjustments	12,867	(74,424)
	21,006,520	20,713,131
Add or Deduct: Cash expenses not affecting net cost of operations but affecting appropriations		
Prepaid expenses	(2,500)	1,500
Acquisitions of tangible capital assets	281,826	452,124
Current year appropriations used	**$21,285,846**	**$21,166,755**

* Services provided without charge by other government departments refers mainly to accommodations provided by Public Works and Government Services Canada for the Ottawa headquarters and five regional offices ($1.7 million)—reported separately in the Statement of Operations under Accommodation and contributions covering employer's share of employees' insurance premiums and expenditures paid by Treasury Board ($1.2 million)—reported as part of the Employee benefits in the Statement of Operations.

Cost of Operations Reported in the Audited Financial Statements

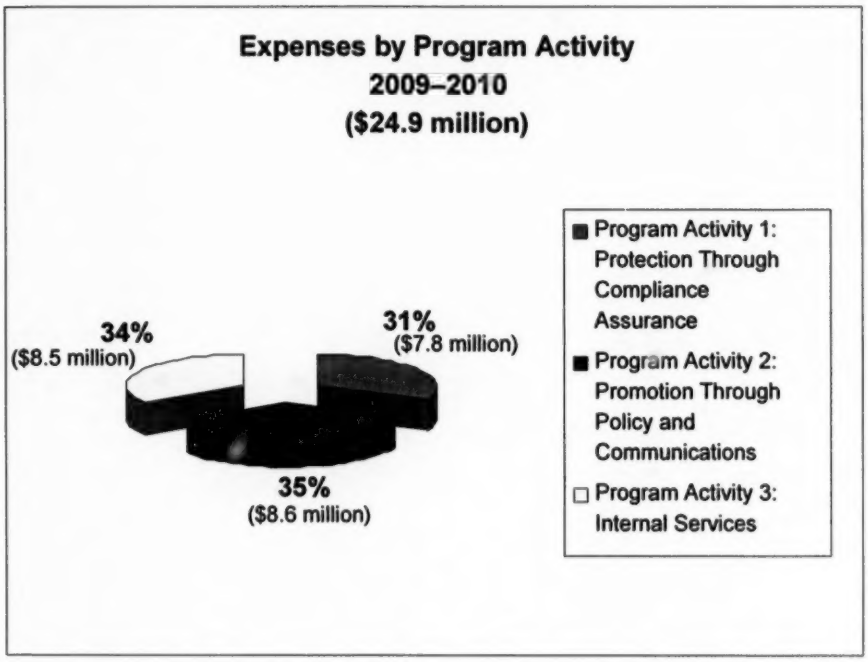
In 2009–2010, the Office of the Commissioner's net cost of operations was $24.9 million, as reported in its audited financial statements.

The net decrease of $82,000 from 2008–2009 is essentially a combination of a net increase in salary and employee benefits of $626,000, and a decrease of $730,000 in temporary help, part of Professional and Special Services. The need for temporary help decreased as positions were staffed. Being a small agency, the Office of the Commissioner must call on professionals since it cannot have on staff all the expertise required to fulfill its mandate. Professional and Special Services, much as in 2008–2009, represent the second highest expense after salaries and benefits: roughly 13% of the net cost of operations.

Allocation of Cost of Operations by Program Activity

The audited 2009–2010 financial statements present the Office of the Commissioner's allocation of the $24.9 million to program activities.

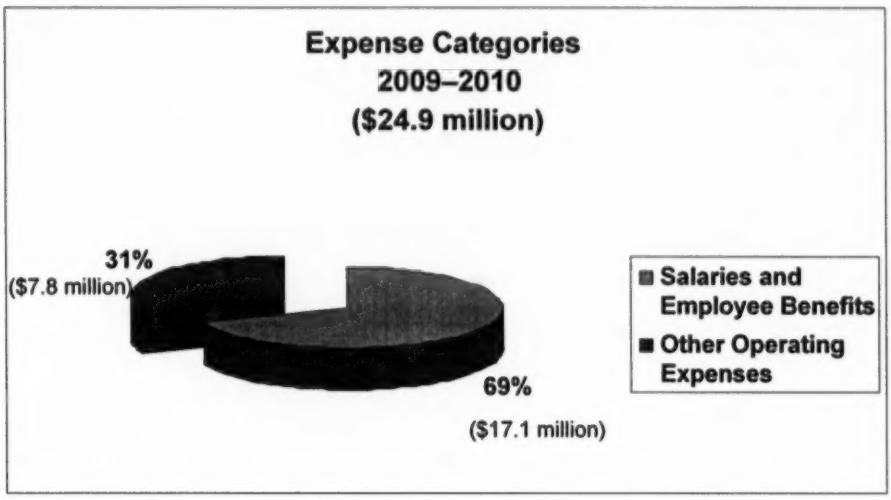
The Protection Through Compliance Assurance Program Activity represents 31% of operating expenses, the Promotion Through Policy and Communications Program Activity represents 35% and the Internal Services Program Activity represents 34%.



Allocation of Cost of Operations by Expense Categories

The audited 2009–2010 financial statements also report $24.9 million in operating costs.

Salaries and employee benefits represent 69% of operating expenses, whereas other operating expenses represent 31%.



List of Supplementary Information Tables

The following electronic supplementary information tables for this Performance Report can be found on the Treasury Board Secretariat's Web site:

- User Fees—*User Fees Act* (the Office of the Commissioner of Official Languages became subject to the *Access to Information Act* on April 1, 2007);
- User Fees—Policy on Service Standards for External Fees; and
- Internal Audits.

Other Items of Interest

Statutory reports, publications and other information are available from:

Office of the Commissioner of Official Languages
344 Slater Street, 3rd Floor
Ottawa, Ontario K1A 0T8

Telephone: 613-996-6368

Web site: www.ocol-clo.gc.ca